

1 **10A NCAC 26E .0102 is proposed for amendment as follows:**

2 **10A NCAC 26E .0102 DEFINITIONS**

3 As used in this Section, the following terms shall have the meanings specified:

- 4 (1) The term "act" means the North Carolina Controlled Substances Act (G.S. Chapter 90, Article 5).
- 5 (2) The term "Commission" means the Commission for Mental Health, Developmental Disabilities and
6 Substance Abuse Services.
- 7 (3) The term "basic class" means as to controlled substances listed in Schedules I, II and VI:
- 8 (a) each of the opiates including its isomers, esters, ethers, salts and salts of isomers, esters and
9 ethers whenever the existence of such isomers, esters, ethers and salts is possible within the
10 specific chemical designation listed in Schedule I of the North Carolina Controlled Substances
11 Act;
- 12 (b) each of the opium derivatives including its salts, isomers and salts of isomers whenever the
13 existence of such salts, isomers and salts of isomers is possible within the specific chemical
14 designation listed in Schedule I of the North Carolina Controlled Substances Act;
- 15 (c) each of the hallucinogenic substances including its salts, isomers and salts of isomers is
16 possible within the specific chemical designation listed in Schedule I of the North Carolina
17 Controlled Substances Act;
- 18 (d) each of the following substances whether produced directly or indirectly by extraction from
19 substances of vegetable origin or independently by means of chemical synthesis or by a
20 combination of extraction and chemical synthesis:
- 21 (i) opium including raw opium, opium extracts, opium fluid extracts, powdered opium,
22 granulated opium, deodorized opium and tincture of opium;
- 23 (ii) apomorphine;
- 24 (iii) ethylmorphine;
- 25 (iv) hydrocodone;
- 26 (v) hydromorphone;
- 27 (vi) metopon;
- 28 (vii) morphine;
- 29 (viii) oxycodone;
- 30 (ix) oxymorphone;
- 31 (x) thebaine;
- 32 (xi) mixed alkaloids of opium listed in Schedule I of the North Carolina Controlled
33 Substances Act;
- 34 (xii) cocaine; and
- 35 (xiii) ecgonine;
- 36 (e) each of the opiates including its isomers, esters, ethers, salts and salts of isomers, esters and
37 ethers whenever the existence of such isomers, esters, ethers and salts is possible within the

- specific chemical designation listed in Schedule II of the North Carolina Controlled Substances Act; and
- (f) methamphetamine including its salts, isomers and salts of isomers when contained in any injectable liquid.
- (4) The term "commercial detection service" means the ~~term same~~ as defined in G.S. 90-102.1, ~~GS 90-102.1, that is, any person, firm, association or corporation contracting with another person, firm, association or corporation for a fee or other valuable consideration to place, lease or rent the services of a trained drug detection dog with a dog handler.~~
- (5) The term "DEA" means the Federal Drug Enforcement Administration.
- (6) The term "Director" means the Director of the Division of Mental Health, Developmental Disabilities and Substance Abuse Services, Department of Health and Human Services.
- (7) The term "dog handler" means an individual trained in the handling of drug detection dogs, including the care, feeding and maintenance of drug detection dogs and the procedures necessary to train and control the behavior of drug detection dogs.
- (8) The term "drug detection dog" means the ~~term~~ as defined in G.S. 90-102.1, ~~G.S. 90-102.1, that is, a dog trained to locate controlled substances by scent.~~
- (9) The term "hearing" means any hearing held pursuant to this part of the granting, denial, revocation or suspension of a registration pursuant to G.S. 90-102 and 90-103.
- (10) The term "individual practitioner" means a physician, dentist, veterinarian or other individual licensed, registered or otherwise permitted by the state to dispense a controlled substance in the course of professional practice but does not include a pharmacist, a pharmacy or an institutional practitioner.
- (11) The term "institutional practitioner" means a hospital or other person (other than an individual) licensed, registered or otherwise permitted, by the United States or the jurisdiction in which it practices, to dispense a controlled substance in the course of professional practice, but does not include a pharmacy.
- (12) The term "person" includes any individual, corporation, government or governmental subdivision or agency, business trust, partnership, association or other legal entity.
- (13) The terms "register" and "registration" refer only to registration required and permitted by G.S. 90-102.
- (14) The term "registrant" means any person who is registered pursuant to G.S. 90-102.
- (15) The term "office-based opioid treatment" means any controlled substance listed in Schedule III-V dispensed for the maintenance or detoxification treatment of opioid addiction or for the detoxification treatment of opioid dependence.
- (16) Any term not defined in this Section shall have the definition set forth in G.S. 90-87.

History Note: Authority G.S. 90-100; 143B-147(a)(5);

Eff. June 30, 1978;

Amended Eff. January 1, 2005; May 1, 1990; May 15, 1979; September 30, 1978.